

REMARKS

Claims 1-3, 5-30, 32-35 are currently pending in the subject application and are presently under consideration. Claims 1-3, 16, 28, 32, 33 and 35 have been amended as shown on pp. 2-7 of the Reply. Claim 36 has been added as shown on pg. 7 of the Reply.

Applicants' representative thanks the Examiner and SPE for the interview after final rejection conducted 30 April 2008 at 2pm EST. In light of the discussion, claims 1, 16, 28, 32, 33, and 35 have been amended to include limitations that the Examiner indicated would be viewed favorably in distinguishing the claims over the cited art. Further, amendments to claims 1-3, 32, and 33 are provided to overcome the rejections under 35 U.S.C. § 112 and 35 U.S.C. § 101, as indicated would be viewed favorably by the Examiner. Applicants' representative thanks the Examiner for providing additional insight with regard to the Examiner's interpretation of the term "user perceptions".

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection of Claims 1 and 32 35 U.S.C. § 112

Claim 1 recites the limitation "a computer readable medium" in page 2, line 10. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required. Claims 1 and 32 have been amended to better conform to the specification. Applicants' representative thanks the Examiner for indicating that such amendments would be sufficient to remove the objection to claims 1 and 32 under 35 U.S.C. § 112. Applicants' representative requests that the Examiner withdraw this objection to claims 1 and 32.

II. Rejection of Claims 1, 5-12, 16-22, 24, 27, 32-34 and 35 Under 35 U.S.C. §101

Claims 1, 5-12, 16-22, 24, 27, 32-34 stand rejected because they recite the limitation "component". The claimed invention is directed to non-statutory subject matter and is not directed to a practical application of such judicial exception because the invention as claimed does not produce a tangible result as set forth in MPEP 2106. Independent claims 1, 32, and 33 have been amended to include physical structure in conformance with the specification. Whereas the Examiner indicated that such amendments would be viewed favorably and that independent claims 16 is directed to a method, Applicants' representative respectfully requests

that the Examiner withdraw this objection to claims 1, 5-12, 16-22, 24, 27, 32-34.

More specifically, with regard to both 35 U.S.C. § 101 rejections of independent claim 1 and claims 5-12 depending therefrom, claim 1 is amended to more clearly include physical structure. As amended, claim 1 now explicitly contains the inherent physical structure of a computer implemented system, encompasses pre-computer process activity (e.g., the user makes determinations and selections from the plurality of semantic-centric inputs), and produces a useful, concrete, and tangible result (e.g., the memory is altered to store a useful user profile). Applicants' representative requests that the Examiner withdraw the rejection of claim 1 (and claims 5-12 depending therefrom) under 35 U.S.C. § 101.

As to independent claim 16 and claims 17-22, 24, and 27 depending therefrom, claim 16 is drawn to a process (e.g., a method) and comprises one or more acts to be performed and is thus statutory where the process is “a practical application” (see MPEP 2106(IV)(B)(2)(b)(ii)), as exemplified by the method interacting with a user to annotate a user profile with the user's perceptions and the user profile is *arguendo* useful, as would be appreciated by one of ordinary skill in the art. Claim 16 is **not** drawn to mere manipulation of numbers or base calculations of formulas that do not result in useful, concrete and tangible results. Applicants' representative requests that the Examiner withdraw the rejection of claim 16 (and claims 17-22, 24, and 27 depending therefrom) under 35 U.S.C. § 101.

Claim 32 is amended similar to claim 1 and now explicitly contains physical structure. Applicants' representative requests that the Examiner withdraw the rejection of claim 32 under 35 U.S.C. § 101.

With regard to both 35 U.S.C. § 101 rejections of independent claim 33 and claim 34 depending therefrom, claim 33 is amended similar to claim 1. Where claim 33 now more clearly recites physical structure, applicants' representative asserts that the claim, and those dependant therefrom, now recite clearly statutory subject matter under all interpretations of a “component” and further cannot be directed to software *per se*. Applicants' representative requests that the Examiner withdraw the rejection of claim 33 (and claim 34 depending therefrom) under 35 U.S.C. § 101.

Claim 35 is similarly rejected as lacking physical structure. Claim 35 is drawn to a system that inherently has physical structure and produces a useful, concrete, and tangible result and is thus drawn to statutory material. Claim 35 explicitly recites a “means for browsing

information stored on an electronic medium”. One of ordinary skill in the art would understand this to comprise some physical means by which a user can “browse” the information in a useful way. Applicants’ representative thanks the Examiner for agreeing with this position during the interview and indicating that the objection to claim 35 would be removed. Applicants’ representative requests that the Examiner withdraw the rejection of claim 35 under 35 U.S.C. § 101.

III. Rejection of Claims 1-3, 5-20, 24-30, 32-35 Under 35 U.S.C. §102(b)

Claims 1-3, 5-20, 24-30, 32-35 stand rejected under 35 U.S.C. §102(b) as being anticipated by Graham et al. (6,582,475) hereinafter “Graham”. Applicants respectfully traverse the rejection of claims 1-3, 5-20, 24-30, 32-35 under 35 USC § 102(b) as being unpatentable over Graham.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

Applicants’ claimed invention relates to systems and methods for conveying user information between and among users and allows user profile building to occur coincident with, for example, user browsing of electronic data sources (e.g., web pages, among others). In particular, previously amended claims 1, 16, 28, 31, 32, 33 and 35 (and similarly their dependant claims 2-15, 17-20, 29-30 and 34) recite *semantic-centric input components that automatically reflect context of the current computer-based interaction*. Where a component reflects the context of the current computer-based interaction, the component can, for example, provide options for user inputs representative of some aspect of the interaction without requiring the user to manually enter information reflective of the computer-based interaction. Graham does not disclose or suggest these novel aspects of the invention as claimed.

Graham relates to an automatic printing assistant that can select portions of documents of particular interest to the user for printing but requires the user to enter concepts and subconcepts

to facilitate the selection of the portions of interest. (See, e.g., Graham paragraph [0059].) Contrary to the assertions in the Office Action, the cited reference does not disclose or suggest determining user input options that reflect the current computer based interaction. Rather, Graham allows users to manually enter terms that are used to search portions of documents to determine which portions are relevant for printing purposes. Contrary to the Examiner's position that these manual search term inputs, "reflect the context of the current computer-based interaction", applicants' representative asserts that the manual entry of search terms is not reflective at all. *In Graham, the user determines what terms to enter and search, whereby the user could enter terms completely unrelated to the current computer-based interaction and the invention of Graham would not be hindered.* The entry of concepts and subconcepts in Graham can **not** be interpreted to be a reflection of the current computer-based interaction where the entry of said concepts and subconcepts can be unrelated to the computer-based interaction. Graham states, "a step of analyzing the electronically stored document to identify locations of discussions of the **user-specified concept of interest...**", (see Graham at [0013], emphasis added). Graham further states, "the document need not include any special information to assist in *locating discussion of concepts of interest...*[t]hese annotations denote text **relevant to user-selected concepts**" (*id.* at [0031], emphasis added), and "step 302, user input indicating **user-specified concepts** of interest is accepted...step 304, the electronically stored document 504 is analyzed in order to identify locations of discussion of the **user-specified concepts of interest input in step 302**" (*id.* at [0038], emphasis added). The user is responsible for selecting concepts and subconcepts of interest, which can be stored in a user profile, but the user, "employs a profile editor 518 to modify the contents of the user profile file 516", (*id.* at [0043]).

In contrast, the present application describes deploying semantic-centric input components that automatically reflects context of the current computer-based interaction. For example, when visiting an electric car website, the subject invention may provide a user input button that can automatically state "I own an electric car" (reflecting the content of the webpage) that when selected can annotate the user's profile to add "owns an electric car." As the user then navigates to a webpage for a book on environmentally friendly practices, the user input button can automatically state "I have read this book" (reflecting the content of the webpage) that when selected can accordingly update the user profile.

However, where the Graham invention is concerned, visiting the first car page would **require the user to manually enter** a concept such as “electric cars” and **manually add** that concept to the user’s profile. Further, when the user navigates to the book page, the user would then need to **manually enter** the subconcept “book I’ve read” and **manually add** that subconcept to the user’s profile. Moreover, the user could enter the concept “**pizza**” on the electric car page and the Graham system would return *that no portion of the electronic document is relevant to “pizza” for printing*. Thus it is clear that Graham is not disclosing *semantic-centric input components that automatically reflect context of the current computer-based interaction*.

Independent claims 1, 16, 28, 31, 32, 33, and 35 are patentable over the cited reference as the Examiner has failed to establish that each and every element of the claimed subject matter has been expressly or inherently described in Graham.

Claim 1 and dependant claims:

With regard to amended claim 1, the Examiner asserts that Graham discloses “the input component comprising a plurality of semantic-centric input components that **automatically reflect** context of the current computer-based interaction...”. Applicants respectfully disagree for at least the following reasons. In Graham, the user must **manually input** a subcomponent by selecting the add subconcept button 828 (see Graham, Fig. 8) and then typing in the subconcept in the spawned dialog box (not illustrated in Graham, but see Graham paragraph [0059] “...user adds to the list by selecting a[n]...add button 828 which causes display of a dialog box...for entering the new keyword... Once the user has finished defining the new subconcept, he or she confirms...by selecting an OK button 832...”).

Graham does not expressly or inherently describe, “...semantic-centric input components that automatically reflect context of the current computer based interaction...”, as illustrated in the subject application. Graham is fundamentally different in that Graham does not reflect the context of the current computer based interaction but rather requires the user to select appropriate terms to add as subconcepts.

Additionally, for the same reasons, Applicants submit that claims 2, 3, and 5-15 are allowable, as these claims depend from claim 1. Therefore, based on the above remarks, the Applicants respectfully request that the Examiner withdraw the rejection of claims 1-3 and 5-15

under 35 USC § 102(b) as being anticipated by Graham.

Claim 16 and dependant claims:

With regard to amended claim 16, the Examiner asserts the same rejection as applied to claim 1 except that it relates to a method rather than a system. Applicants respectfully disagree for at least the same reasons as asserted in claim 1. Additionally, for the same reasons as asserted against claim 1 and claims depending therefrom, Applicants submit that claims 17-27 are allowable, as these claims depend from claim 16. Specifically, aspects of the independent and dependant claims comprise semantic-centric input components that **automatically reflect** context of the current computer-based interaction in a manner different than Graham.

Therefore, based on the above remarks, the Applicants respectfully request that the Examiner withdraw the rejection of claims 16-20 and 24-27 under 35 USC § 102(b) as being anticipated by Graham.

Claim 28 and dependant claims:

With regard to amended claim 28, the Examiner asserts the same rejection as applied to claim 1 except that it relates to a method rather than a system. Applicants respectfully disagree for at least the same reasons as asserted in claim 1 and the dependant claims thereof. Additionally, for the same reasons, Applicants submit that claims 29 and 30 are allowable, as these claims depend from claim 28.

Therefore, based on the above remarks, the Applicants respectfully request that the Examiner withdraw the rejection of claims 28-30 under 35 USC § 102(b) as being anticipated by Graham.

Claim 32, 33, and 35 and dependant claims:

With regard to amended claim 32, the Examiner asserts the same rejection as applied to claim 1 except that it relates to a computer-readable medium rather than a system. Applicants respectfully disagree for at least the same reasons as asserted in claim 1 and the dependant claims thereof.

With regard to amended claim 33, the Examiner asserts the same rejection as applied to claim 1 except that it relates to a computer-readable medium rather than a system. Applicants

respectfully disagree for at least the same reasons as asserted in claim 1 and the dependant claims thereof. Additionally, for the same reasons, Applicants submit that claim 34 is allowable, as this claim depends from claim 33.

With regard to amended claim 35, the Examiner asserts the same rejection as applied to claim 1 except that it relates to a computer-readable medium rather than a system. Applicants respectfully disagree for at least the same reasons as asserted in claim 1 and the dependant claims thereof.

Therefore, based on the above remarks, the Applicants respectfully request that the Examiner withdraw the rejection of claims 32-35 under 35 USC § 102(b) as being anticipated by Graham.

Generally, the Examiner has expressed that where the specification of the present application states that where buttons of the present invention are automatically or manually morphed, the manual aspect of the morph is equivalent to manually entering terms (*e.g.*, concepts and subconcepts) as in Graham. Applicants' representative respectfully asserts that *manually morphing* the buttons is never disclosed as *manually entering search terms*, as in Graham. Generally the present application is drawn to automatically generating semantic-centric user input components as more clearly illustrated in the amended independent claims. Therefore, based on the above remarks, the Applicants respectfully request that the Examiner withdraw the rejection of claims 1-3, 5-20, 24-30, 32-35 under 35 USC § 102(b) as being anticipated by Graham.

V. Rejection of Claims 21-23 Under 35 U.S.C. §103(a)

Claims 21-23 rejected under 35 U.S.C. §103(a) as being unpatentable over Graham, in view of Wolpe (US PG Pub. No. 2002/0174144) hereinafter “Wolpe”. Applicants respectfully disagree for at least the following reason. Independent claim 16, from which claims 21-23 depend, is believed to be allowable over Graham as asserted *supra*. Wolpe does not correct this deficiency. The rejection of dependant claims 21-23 under 35 U.S.C. §103(a) is obviated and the Applicants respectfully request that the Examiner withdraw the rejection of claims 21-23 under 35 USC § 103(a) as being obvious over Graham in view of Wolpe.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP477US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative

Respectfully submitted,

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